

Restorative justice offers benefits to victims, offenders and communities, and take-up is increasing – but more consistency is needed

Restorative justice is being used effectively in all areas of the criminal justice system – but patchy take-up and inconsistent application mean that not all victims, offenders and communities are able to access the evidenced benefits it offers, *found a report published today by the Criminal Justice Joint Inspectorates.*

Restorative justice brings those who offend and victims into contact with each other. It aims:

- to help victims to recover from the impact of the crime;
- to enable those who offend understand the implications of his or her actions; and
- to provide an opportunity to make amends.

It can be used throughout the criminal justice system, from the police using ‘informal resolutions’ to bring a commonsense conclusion to incidents on the street (without resorting to judicial process), to formal ‘restorative conferencing’ (when a victim meets the offender face to face, sometimes in prison after the offender has been convicted). The benefits of this approach are well evidenced in previous research, both as providing satisfaction to victims and reducing the frequency of re-offending; but more research is needed to assess the impact of informal resolutions following a marked increase in their use. The report published today, *‘Facing Up To Offending: Use of restorative justice in the criminal justice system’* looks at current use across a sample of police forces, probation trusts, youth offending teams and prisons/young offender institutions.

The report found:

There are good examples of restorative justice being used across a range of settings, but the level of up-take varied across criminal justice agencies. While police records show that use of informal resolutions increased from 0.5% to 12% of all case disposals between 2008 and 2011, and restorative justice is well established in youth offending teams, take up in prisons/young offender institutions and probation trusts was less widespread. All agencies should use the good examples of ‘what works’ outlined in the report to inform their practice.

The benefits of using restorative justice are understood by victims, those who offend, practitioners and (with some reservations) the public. The inspectors spoke to victims, offenders, practitioners and a sample of the general public. Where *victims* had taken part in restorative justice meetings, there was high victim satisfaction, and *practitioners* across the criminal justice system recognised the benefits of using these methods. *Those who offend* who had taken part in restorative justice meetings, on the whole, reported a positive influence on their views on offending. Focus groups found that while the *public* were generally supportive of restorative justice – in particular in cases of young people who offend – there was less support for these measures with adult offenders.

However, these benefits are not consistently available to all victims in all areas. The inspectorates found inconsistencies in the use of restorative justice, both between different criminal justice agencies and across geographical areas. For instance, different police forces allowed different offence types to be resolved with restorative approaches; probation trusts were at very different stages of embedding restorative justice in their work; and some residential staff in prisons did not have a clear understanding of how it worked. Those who offend and victims were also not given consistent advice by the police about the implications of having an informal resolution on their record. These inconsistencies and problems with terminology could damage the reputation of restorative justice, and lead to the perception of a postcode lottery (with, for instance, an individual in one area receiving an informal resolution, whereas in another he or she would be formally charged for the same offence).

More could be done to involve victims and communities in the process. Keeping victims informed, empowered and up-to-date on the progress of their case is an essential element of 'what works' in restorative justice. However, the inspection and victim surveys showed this did not always happen.

Based on these findings, the report makes 11 recommendations for the criminal justice system, which aim to bring consistency to the use of restorative measures (while recognising the importance of local discretion).

HM Inspector of Constabulary, Dru Sharpling, said on behalf of the four inspectorates:

"There is no doubt that when used correctly, restorative justice can work and has clear benefits, particularly for victims – indeed, its use is increasing. More research may be required to assess the impact on reoffending. Our inspection found inconsistencies in how restorative justice is implemented across the criminal justice system. It is vital that this is rectified to ensure its benefits and uses are understood by all. The priority in this is the experience of victims, and while we recognise ongoing work, there must be better engagement with the public to ensure a wide understanding of those measures available – a failure to do so could lead to perceptions of injustice."

Notes to Editors

1. A copy of the full report 'Facing up to Offending' can be found at www.hmic.gov.uk
2. The report was carried out by HM Inspectorate of Constabulary, HM Inspectorate of Prisons, HM Inspectorate of Probation and HM Crown Prosecution Service Inspectorate under the Criminal Justice Joint Inspection (CJJI) programme. The CJJI group brings together a number of Inspectorates to undertake a programme of joint inspections across the criminal justice system.
3. Her Majesty's Inspectorate of Constabulary (HMIC) is an independent inspectorate, inspecting policing in the public interest, and rigorously examines the efficiency and effectiveness of police forces and authorities to tackle crime and terrorism, improve criminal justice and raise confidence. HMIC inspects and regulates all 43 police forces in England and Wales together with other major policing bodies. For more information please visit our website www.hmic.gov.uk HMIC's press office can be contacted during office hours from 8:30am – 5:30pm Monday – Friday on 0203 513 0600.
4. HMIC's out-of-hours press office line for urgent media enquiries is 07836 217 729.
5. HM Inspectorate of Probation is an independent inspectorate, funded by the Ministry of Justice, and reporting directly to the Secretary of State on the effectiveness of work with individual adults, children and young people who have offended aimed at reducing reoffending and protecting the public.

6. HM Inspectorate of Prisons is an independent inspectorate, inspecting places of detention to report on conditions and treatment, and promote positive outcomes for those detained and the public.
7. Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI) is the independent Inspectorate for the Crown Prosecution Service (CPS). Its purpose is to enhance the quality of justice through independent inspection and assessment. HMCPSI's Chief Inspector reports directly to the Attorney General and the Justice Committee of the House of Commons

Full list of recommendations

Recommendation

In order to promote the use of restorative justice, the National Offender Management Service should ensure that there is a national strategy, incorporating the use of RJ with offenders in custody and in the community, which defines what constitutes RJ as opposed to victim awareness work, defines the priority to be given to meeting the needs of victims and sets clear expectations for prisons and probation trusts.

Recommendation

In order to maintain confidence in the administration of justice the Ministry of Justice, Home Office and the Association of Chief Police Officers (ACPO) should consider developing a consistent approach in the use of Informal Resolutions (or RJ outcomes) in their work relating to the development of the national out-of-court disposals framework, particularly in relation to:

- the types of offences included, and specifically the circumstances in which more serious categories of offences such as race hate crimes or domestic abuse are eligible for inclusion; and
- eligibility of offenders with a previous offending history.

Recommendation

In view of the rapidly increasing level of informal resolutions and the national drive for greater consistency the NPIA (or in future the College of Policing) should conduct further research on the impact of informal resolution on both victim satisfaction and the reduction of offending and develop an evidence base of what works to help forces to determine the most appropriate response in their prevailing circumstances. In addition they should rationalise training and awareness material for police forces which reflects that evidence.

Recommendation

In order to improve the quality of decision-making, and increase accountability, police forces should ensure that quality assurance processes for community resolutions are sufficiently rigorous and include analyses of victims' views, and consultation and liaison with criminal justice partners (including the Crown Prosecution Service, YOTs and probation trusts).

Recommendation

We recommend that the ACPO policies on the use of RJ and Community Resolution make the status of informally resolved cases clear and clarify the position on disclosure of the outcome of these to improve consistency in delivery.

Recommendation

Residential staff should have a basic awareness of RJ and the services available within their establishment, enabling them to identify and refer prisoners or young people who may be suitable for an RJ intervention.

Recommendation

Opportunities for prisoners/young people and victims to engage in RJ interventions should be consistent throughout the custodial estate.

Where prisoners/young people are supported to write a letter of apology, systems should be in place to ensure the victim is contacted where appropriate and able to decide if they would like to receive it. All prisoners/young people who have successfully engaged with and completed a comprehensive victim awareness course should be offered, where appropriate, the opportunity to engage in an RJ conference subject to agreement by the victim.

Recommendation

In order to raise public awareness of the police use of RJ and informal resolution, forces should consider wider public awareness and engagement through use of the media. Where local policies are developed, the views of the public should be sought.

Recommendation

In order to promote victim engagement effectively in youth offender panels, youth offending teams should ensure that:

- Timeliness, particularly of the initial contact, meets the needs of the victim;
- Communications with victims clearly focuses on the potential benefits to them; and
- Victims are therefore able to make a fully informed decision.

Recommendation

Youth offending teams and the Youth Justice Board should ensure that the involvement of victims and active consideration of restorative opportunities is maximised in relevant sentences across the whole range of YOT interventions.

Recommendation

There should be a national information sharing agreement between NOMS and ACPO to facilitate contact with victims by prisons.

Where appropriate, and subject to the requisite risk assessment, release on temporary licence (ROTL) should be considered in order to facilitate RJ conferences outside the establishment.

Victims should be contacted by the relevant agency in a timely manner to suit the needs of the victim rather than those of criminal justice processes.

In cases of sexual offending and domestic violence, each case should be considered on its merits by suitably trained staff before a decision is made whether to offer RJ.